

AO 91 (Rev. 02/09) Criminal Complaint

UNITED STATES DISTRICT COURT
 for the
 District of New Mexico

FILED
 U.S. DISTRICT COURT
 DISTRICT OF NEW MEXICO
 2015 AUG 31 AM 11:36
 CLERK-LAS CRUCES

United States of America)

v.)

CARBAJAL Del Real, Sulema)

Case No. 15-MJ-3012)

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 08/30/2015 in the county of Hidalgo in the Judicial District of New Mexico, the defendant violated 21 U. S. C. § 841 (a) (1) and 846
 x an offense described as follows:

Knowingly, intentionally and unlawfully; manufacture, or distribute, or dispense or possess with intent to manufacture, distribute, or dispense a controlled substance; to wit approximately 80.05 kilograms of marijuana, a Schedule I controlled substance, in violation of Title 21 U.S.C. 841 (a) (1).

Knowingly, intentionally, and unlawfully; conspired, combined, confederated, and agreed with others to possess with intent to distribute a controlled substance, to wit approximately 80.05 kilograms of marijuana, a Schedule I controlled substance, in violation of Title 21 U.S.C. 846.

This criminal complaint is based on these facts:

See attached Affidavit, which is marked Attachment "A", and which is incorporated by reference as if fully set out herein.

☒ Continued on the attached sheet.


 Complainant's signature

Task Force Agent, DEA Benjamin Munoz
 Printed name and title

Sworn to before me and signed in my presence.

Date: 08/30/2015

City and state: Las Cruces, New Mexico


 Lourdes A. Martinez

United States Magistrate Judge
 Printed name and title

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ATTACHMENT "A"
AFFIDAVIT

I, Benjamin Munoz, Affiant, being duly sworn, state that the following information is true and correct to the best of my knowledge and belief:

The following information is based upon information provided to me by other agents and is presented as probable cause to arrest CARBAJAL-Del Real, Sulema. Since this affidavit is being submitted for the limited purpose of establishing probable cause, your Affiant has not included each and every known fact regarding this investigation. More specifically, your Affiant has set forth only pertinent facts that your Affiant believes are necessary to establish probable cause.

Your Affiant knows that on August 30, 2015, at approximately 0420 hours, Lordsburg, New Mexico, United States Border Patrol Agents initiated a vehicle stop to perform an immigration inspection. CARBAJAL, Sulema was the driver of a 2002 Honda Civic, silver in color, bearing Arizona License plate number BKB1966. CARBAJAL, Sulema identified herself as a United States Citizen. The Border Patrol Agents asked if she had anything in the trunk and she said no. The Border Patrol Agents asked for consent to check the trunk and CARBAJAL agreed. CARBAJAL stated that the mechanism to open the trunk did not work. CARBAJAL exited the vehicle to voluntarily open the trunk herself to allow the Border Patrol Agents to inspect it. Border Patrol Agents noticed a strong odor of female body spray emitting from the inside of the vehicle as CARBAJAL exited. Border Patrol Agents requested records checks on CARBAJAL via service radio. Records checks came back with positive criminal history. The checks revealed that CARBAJAL had been part of a previous narcotic smuggling event and she had been associated to other marijuana smuggling attempts. Based on this information, Border Patrol Agents asked for consent to search the inside of the vehicle. CARBAJAL gave Border Patrol Agents consent to search the inside of her vehicle. In addition, Border Patrol Agents asked CARBAJAL if she had been in possession of the vehicle during her entire trip and she said yes. Border Patrol Agents also asked CARBAJAL if she was responsible for everything in the vehicle and CARBAJAL again said yes. Although the trunk was empty, Border Patrol Agents noticed a strong odor of marijuana emitting from the inside of the trunk. Border Patrol Agents also noticed that the bolts that attach the driver's side rear quarter panel were shiny on the edges as if they had been recently removed. Border Patrol Agents adjusted the edge of the panel and noticed two square bundles wrapped in brown packing tape. Border Patrol Agents placed CARBAJAL under arrest for suspicion of violating 21 USC 841(a)(1) possession with intent to distribute a controlled substance, to wit: marijuana.

Border Patrol Agents transported both CARBAJAL, Sulema and the vehicle to the Lordsburg Border Patrol station for further processing. Border Patrol Agents removed a total of 176.55 pounds of marijuana from the vehicle.

At approximately 11:30 am, Task Force Agent (TFA) Munoz and Special Agent (SA) Edward Martinez responded to the Lordsburg, NM, Border Patrol Station for investigation and to take custody of the contraband. While at the Lordsburg, NM Border Patrol Station, CARBAJAL informed SA Martinez that she wanted to talk to the agents regarding her arrest. At this time, SA Martinez advised CARBAJAL that her Miranda Warnings provided by Border Patrol Agents earlier still applied. SA Martinez provided CARBAJAL with form DEA13 (Advice of Rights), as witnessed by TFA Munoz. CARBAJAL acknowledged her rights by reading and signing the form and she agreed to provide a statement without the presence of an attorney. CARBAJAL stated she knowingly conspired and intentionally entered in an agreement with a subject known as "el Guero" via telephone conversations, to transport a Schedule I controlled substance (marijuana) from Douglas, Arizona to Phoenix, AZ in her personal vehicle. CARBAJAL stated that she intended to travel to Phoenix, AZ through New Mexico in an attempt to circumvent the

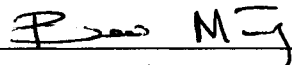
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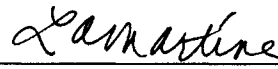
interior Border Patrol checkpoints. CARBAJAL stated she had lied to Border Patrol Agents during the vehicle stop and she also stated that she had sprayed the inside of her vehicle with plenty of body spray because she could smell the strong odor of the marijuana. CARBAJAL further stated that she was going to get paid \$2,000 USD, provided she was successful at transporting the narcotics to an undisclosed location in Phoenix, AZ.

DEA SA Martinez contacted Assistant United States Attorney (AUSA) Alfred Perez who authorized the case for federal prosecution.

Based on the above information, your Affiant believes that CARBAJAL, Sulema did knowingly, intentionally, and unlawfully possessed with intent to distribute a controlled substance, to wit approximately 80.05 kilograms of marijuana, a Schedule I controlled substance, in violation of Title 21 U.S.C. 841 (a) (1) and knowingly, intentionally, and unlawfully conspired and agreed with others to possess with intent to distribute a controlled substance, to wit approximately 80.05 kilograms of marijuana, a Schedule I controlled substance, in violation of Title 21 U.S.C. 846.



Task Force Agent, DEA
Benjamin Munoz



United States Magistrate Judge